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Agenda item 112 (e)
Elections to fill vacancies in subsidiary organs and other elections: election of 47 members of the Human Rights Council

Note verbale dated 19 April 2006 from the Permanent Mission of India to the United Nations addressed to the Secretariat

The Permanent Mission of India presents its compliments to the Secretariat of the United Nations and has the honour to refer to its letter of 5 April 2006 announcing India's candidature to the Human Rights Council, and to forward a document detailing India's voluntary pledges and commitments for promotion and protection of human rights (see annex).

The Government of India is committed to make a positive contribution to make the Human Rights Council a strong, effective and efficient body capable of promoting and protecting human rights and fundamental freedoms for all.

06-32005 (E) 010506

Annex to the United Nations dated 19 April 2006 from the Permanent Mission of India to the United Nations addressed to the Secretariat

Voluntary pledges and commitments by India

India is seeking election to the Human Rights Council at the elections to be held at the United Nations in New York on 9 May 2006.

India has a long tradition of promoting and protecting human rights. India was privileged to be in the forefront of the struggle against apartheid even before its independence. India's commitment to promoting and protecting human rights flows from the realization that in a truly pluralistic society, the growth and well-being of citizens can only be guaranteed through a culture of protection and promotion of human rights.

The Indian Constitution enshrines India's commitment to human rights by guaranteeing to its citizens fundamental political and civil rights. Special provisions for the progressive realization and enforcement of economic, social and cultural rights have also been provided for constitutionally. India has taken an important initiative for the empowerment of women by reserving one third of all seats for women in urban and local self-government, thus bringing over one million women at the grass-roots level into political decision-making. With the launch of the National Rural Employment Guarantee programme on 1 February 2006, the right to work has been operationalized in India.

The independent and impartial Indian judiciary has delivered far-reaching pronouncements on the protection and promotion of human rights. The National Human Rights Commission, a powerful and independent body, monitors human rights developments in India and shares its experience and expertise with its counterparts in other countries. The free and independent media in India plays a crucial role in promoting respect for and monitoring of human rights. Civil society in India is among the most vibrant anywhere in the world.

India is a committed supporter of the United Nations human rights system and the promotion and protection of human rights is ingrained in its domestic and foreign policy. It has been active in deliberations on human rights in international forums and in the development of widely accepted international norms. India is a large, democratic, multi-ethnic, multi-religious, multilingual, and multicultural society, whose presence on the new Human Rights Council would bring a perspective of straddling all divides of pluralism, moderation and balance from a country that has consistently demonstrated its commitment to human rights and fundamental freedoms in practice.

Against this backdrop, India voluntarily makes the following pledges and commitments:

- India will continue to abide by its national mechanisms and procedures to promote and protect the human rights and fundamental freedoms of all its citizens.
- India will maintain the independence and autonomy, as well as genuine powers of investigation of national human rights bodies, including the National

Human Rights Commission, the National Commission for Women, the National Commission for Minorities, the National Commission for Scheduled Castes and Scheduled Tribes and the National Commission for Backward Classes, as mandated by Indian constitution and laws.

- India will continue to foster a culture of transparency, openness and accountability in the functioning of the Government, as enacted in the path-breaking Right to Information Act.

- India will continue to encourage efforts by civil society in seeking to protect and promote human rights.

- India will continue to work towards progressive realization of the right to work.

- India will be expanding the implementation of its recently instituted Rural Employment Guarantee Programme, which provides for 100 days of assured employment annually to every rural household in the country.

- India will continue to promote the social, economic and political empowerment of women in India by affirmative actions, gender mainstreaming in national planning, gender budgeting and formation of women self-help groups. India will work towards the elimination of discrimination and violence against women through legislative measures as well as effective implementation of existing policies.

- India, having actively and constructively participated in the multilateral negotiations that led to the establishment of the new Human Rights Council, will work to make the Human Rights Council a strong, effective and efficient body capable of promoting and protecting human rights and fundamental freedoms for all.

- India will engage constructively in the evolution of modalities and mandates of the Human Rights Council as envisaged in General Assembly resolution 60/251, and in the reform of the United Nations human rights machinery.

- India will participate actively in the work of the Human Rights Council in norm-setting in the field of human rights.

- India will participate constructively in developing modalities for universal periodic review by the Human Rights Council and in reviewing and strengthening the system of special procedures and other expert mechanisms of the Council.

- India will continue to support the Office of the United Nations High Commissioner for Human Rights, including through making regular voluntary contributions, so as to strengthen the promotion and protection of human rights worldwide.

- India will strive for the full realization of civil, political, economic, social and cultural rights, including the right to development.

- India will continue to support United Nations bodies, including the United Nations Children's Fund (UNICEF), the United Nations Development Fund for Women (UNIFEM), the United Nations Population Fund (UNFPA), the United Nations Democracy Fund, that have a role in contributing to the protection and

promotion of human rights. India recently contributed $0.9 million United States dollars ($) to UNICEF and $10 million to the United Nations Democracy Fund.

- India will work actively with other United Nations Member States and relevant United Nations bodies for renewal and reform of the United Nations treaty-body system.
- India will work towards promotion and protection of human rights, based on the principles of cooperation and genuine dialogue.
- India will cooperate with States, upon request, in their implementation of human rights obligations through capacity-building by way of technical cooperation, human rights dialogues and exchange of experts.
- India will continue to actively support domestic and international processes that seek to advance empowerment of women and women's rights and gender equality.
- India will continue to actively support domestic and international processes that advance the rights of the child.
- India will work for the implementation of the Beijing Declaration and Platform for Action, the Copenhagen Declaration and Plan of Action and other outcomes of the major United Nations international conferences.
- India will continue to actively participate in and support the negotiations for a new United Nations Convention for Persons with Disabilities.

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Note verbale dated 6 April 2006 from the Permanent Mission of Mauritius to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Mauritius to the United Nations presents its compliments to the President of the sixtieth session of the United Nations General Assembly and has the honour to inform him that the Government of the Republic of Mauritius has decided to present its candidature for membership to the United Nations Human Rights Council at the elections to be held during the General Assembly session in New York on 9 May 2006.

Mauritius attaches the utmost importance to the promotion and protection of human rights and supports all international and regional efforts aimed at the advancement of human rights and fundamental freedoms, democracy and good governance and rule of law.

Mauritius is a party to all major international human rights instruments and always upholds the primary role of the United Nations in the promotion and protection of human rights. The establishment of the Human Rights Council strengthens further the human rights system within the United Nations and, in seeking membership in the newly created Council, Mauritius underscores its firm commitment to contribute effectively in the work and activities of the Council.

The Government of the Republic of Mauritius is also deeply committed to upholding the highest standards in the promotion and protection of human rights and will shortly submit its voluntary pledges and commitments in accordance with resolution 60/251.

06-32058 (E) 010506

Annex to the note verbale dated 6 April 2006 from the Permanent Mission of Mauritius to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Mauritius to the United Nations presents its compliments to the President of the sixtieth session of the United Nations General Assembly and with reference to its note dated 6 April 2006, regarding the candidature of the Republic of Mauritius to the United Nations Human Rights Council, has the honour to forward herewith its voluntary pledges and commitments in accordance with resolution 60/251.

Enclosure

Mauritius

Voluntary pledges and commitments in accordance with resolution 60/251

The Republic of Mauritius has always been committed to the promotion and protection of Human Rights at national, regional and international levels. The Government of Mauritius strongly believes that citizens should be at the core of all forms of human rights including the right to economic, cultural and social development and that the people should enjoy all their political and civil rights indiscriminately and irrespective of their status. Mauritius is party to most of the core international human rights instruments and has enacted comprehensive legislation for the protection and promotion of human rights and fundamental freedoms and ensures their implementation.

National Level

- The respect and protection of human rights is enshrined in the Constitution of Mauritius and since its independence, the Republic of Mauritius remains deeply committed to building a civil society based on democracy, good governance, rule of law and protection of human rights and fundamental freedoms.

- The National Human Rights Commission was set up in April 2001 under the Protection of Human Rights Act 1998 in line with the United Nations guidelines governing such institutions.

- The Commission ensures that there is compliance with the fundamental rights and freedoms of the individual enshrined in Chapter II of the Constitution. It also has the power to enquire into any written complaints from any person alleging that any of his human rights has been, is being or is likely to be violated by the act of omission of any other person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public body. The Commission can equally enquire into any other written complaint from any person against an act or omission of the police force in relation to him. Visits can be effected to any police station, prison or other place of detention under the control of the State to study the living conditions of the detainees and the treatment afforded to them. In 2003, a Sex Discrimination Division was created within the National Human Rights Commission under the Sex Discrimination Act 2002 to deal with cases of sex discrimination and sexual harassment. The Sex Discrimination Division also has the power to deal with complaints within the private sector as well.

- The Office of the Ombudsperson for children was established under the Ombudsperson for Children Act in 2003. The Ombudsperson for Children has the duty of promoting compliance with the Convention on the Rights of the Child (CRC) and investigating possible violations of the rights of a child.

- In December 2005, the Child Protection Act was amended in order to provide for the offences of 'child trafficking', 'abandonment of child' and 'abducting child'.

- Regarding the issue of child abuse and child prostitution, Mauritius signed in 2001 the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child

Prostitution and Child Pornography. Mauritius also acceded to the United Nations "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime" in September 2003.

- Mauritius is currently considering the following legislative measures to promote Human Rights :

  (i) The Equal Opportunities Bill;

  (ii) A Draft Bill for the Family Court;

  (iii) An amendment to the law on custodial sentences for civil debtors;

  (iv) A Disability Discrimination Bill which will include inclusive education for disabled children;

  (iv) An HIV/AIDS Bill;

  (v) Reform of the law dealing with administration of juvenile justice;

  (vi) A Children's Act which will review all legislations pertaining to children.

- With the help of UNDP, Mauritius has developed a national human rights strategy on 10 December 2005. There is provision for setting up a HUMAN RIGHTS CENTRE with regional sub-centre all over the island and one in Rodrigues. The Centre will be a Resource Centre to sensitize people about Human Rights and International Instruments.

Regional Level

- Mauritius has signed the African Charter of Human and People's Rights and ratified the said Charter on 19 June 1992. Mauritius has equally signed the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa at the Abuja AU Meeting in January 2005. Mauritius has, however, made reservations on Articles 6(b), 6(c), 10(2)(d), 11 and 14(2) (c). Mauritius has further ratified the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and People's Rights on the establishment of the African Court on Human and People's Rights.

- Mauritius has hosted a series of conferences/meetings on human rights issues. In relation to the African Court of Justice, Mauritius hosted both the meeting of Experts/Judges and Permanent Representatives from 4 – 6 June 2003 and the First Ministerial Meeting of Ministers of Justice of the African Union from 7 – 8 June 2003 at the Grand Bay International Conference Centre. A seminar was organized on « *Sensibilisation sur la ratification et la mise en oeuvre du statut de Rome de la Cour Pénale internationale* » from 27 – 29 May 2002 jointly by the Attorney-General's Office and the « Agence Intergouvernementale de la Francophonie ».

  From 10 – 12 September 2003, the Office of the United Nations High Commissioner for Human Rights in collaboration with the Attorney General's Office, organised a Regional Workshop on Human Rights and Good Governance.

Mauritius has also hosted the "Rencontre Conjointe du Bureau du Comité de Suivi de la Conférence des Structures Gouvernementales Chargées des droits de l'Homme dans l'Espace Francophonie et des Réseaux Institutionnels de la Francophonie » from 19 – 21 July 2005.

- Mauritius is one among the first African countries to have volunteered to be reviewed under the NEPAD Peer Review Mechanism.

International Level

- Mauritius pursues a policy of active cooperation with international organizations and their respective bodies and institutions in the field of human rights and fundamental freedoms. It is deeply committed to uphold the highest standards in the promotion and protection of human rights.

- Mauritius upholds the primary role of the United Nations in the promotion and protection of human rights.

- Mauritius was a member of the Commission on Human Rights in 1971-1973, 1993-1995 and 1999-2001.

- Mauritius is party to six of the seven core international human rights treaties as follows -
  - (i) The International Convention on the Elimination of All Forms of Racial Discrimination;
  - (ii) International Covenant on Civil and Political Rights;
  - (iii) International Covenant on Economic, Social and Cultural Rights;
  - (iv) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and
  - (v) Convention on the Rights of the Child (CRC).
  - (vi) Convention on the Elimination of All Forms of Discrimination against Women.

- Mauritius has ratified the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

- Mauritius is also party to the Rome Statute of the International Criminal Court.

- Despite its limited resources, Mauritius has consistently fulfilled its reporting obligations by submitted regularly periodic reports to the various human rights treaties. Mauritius has also submitted reports to the various Committees monitoring the international treaties.

If elected to the Human Rights Council,

the Government of Mauritius undertakes to -

- continue to uphold the primacy of democracy, good governance and development as key tenets in the promotion of human rights of its citizens and strengthen national institutions that guarantee best these rights;

- continue to play a constructive role in the advancement of human rights and fundamental freedoms and further contribute to the enhancement of United Nations human rights activities;

- participate actively in the work of Council for the promotion and protection of all human rights in a spirit of impartiality, objectivity and non-selectivity, constructive dialogue and cooperation;

- be reviewed under the universal periodic review mechanism; and

- support international efforts to enhance inter cultural dialogue and understanding among civilizations, cultures and religions with a view to facilitate the universal respect for all human rights given that Mauritius is a multi-racial and multi-ethnic country.

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Letter dated 3 April 2006 from the Permanent Representative of Ecuador to the United Nations addressed to the President of the General Assembly

I have the honour to place on record that the Government of Ecuador has submitted its candidature to the Human Rights Council, recently established by the General Assembly.

Ecuador has a long history of active promotion and protection of human rights, being party to every related international instrument within the United Nations framework, as well as at the regional and subregional levels. On a national scale, Ecuador has a national human rights plan that codifies the Ecuadorian State policy of protection of human rights and establishes mechanisms to that end.

Ecuador, as an actual member of the Commission on Human Rights, has maintained an active role on it, as well as in other committees related to this subject.

The Government of Ecuador reiterates its commitments to respect and protect human rights throughout the world.

(*Signed*) Diego **Cordovez**

06-32065 (E) 280406